

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KAREN PHILLIPS

Plaintiff

v.

**NANCY A. BERRYHILL, Acting
Commissioner of Social Security¹**

Defendant

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:

CIVIL ACTION

NO. 15-5204

O R D E R

AND NOW, this 22nd day of May 2017, upon consideration of Plaintiff Karen Phillips's ("Plaintiff") *objections to the report and recommendation of the magistrate judge*, [ECF 18], Defendant's response thereto, [ECF 20], the *Report and Recommendation* issued on August 18, 2016, by the Honorable Timothy R. Rice, United States Magistrate Judge, [ECF 17], and the administrative record, [ECF 6], it is hereby **ORDERED** that:

1. Plaintiff's objections are **SUSTAINED**, *in part*, and **OVERRULED**, *in part*;
2. Plaintiff's *motion for summary judgment and request for review*, [ECF 11], is **GRANTED**;
3. Consistent with the accompanying Memorandum Opinion, the decision of the Acting Commissioner of Social Security is **VACATED** and this matter is **REMANDED** to the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g) to conduct additional proceedings; and
4. The Clerk of Court is directed to mark this matter **CLOSED**.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court

¹ Carolyn W. Colvin ("Colvin") was Acting Commissioner of Social Security ("Acting Commissioner") at the time this action was filed. On January 23, 2017, Nancy A. Berryhill succeeded Colvin as Acting Commissioner. Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is substituted as the defendant in this action. *See* Fed. R. Civ. P. 25(d).